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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,710	10/20/1999	DANIEL S. VENOLIA	M61.12-0144	4522

7590 10/20/2004

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/421,710

Applicant(s)

VENOLIA ET AL.

Examiner

Angela A. Armstrong

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. In view of the Appeal Brief filed on July 12, 2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-33 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for determining an amount of speech sample that has been recognized, does not reasonably provide enablement for decoding speech input. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. At page 10, lines 14-17 and page 15, line 10

Art Unit: 2654

continuing to page 16, line 16, the specification describes a speech recognition progress indicator wherein a progress bar is representative of the speech recognizer having identified a phoneme for a frame. The specification does not provide a description of the system/apparatus having received a coded speech signal or a corresponding decoder for decoding the coded speech.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 13-14, 17-21, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanBuskirk et al (US Patent No. 6,075,534) in view of Tannenbaum (US Patent No. 6,233,560) and Neilsen (US Patent No. 6,639,687).

4. Regarding claims 1-3, 13-14, 17-21, and 29 VanBuskirk et al teaches

A minimal GUI for speech recognition in which the recognized text field and the system status visual user feedback component are combined together and can be displayed as embedded in the window of an application or can be a floating window at col. 1, lines 63-67, col. 5, lines 7-10 and col. 2, lines 60-63

Activating a microphone and displaying an indication that the microphone is active at col. 4, lines 42-51 and Figures 6 and 7

Variations in the volume of the user speech is displayed by a ribbon with fixed edge and movable edge to alter the shape and altering the color in response to variations in volume of the user speech (using speech signal value to determine coordinates of shape of display meter) at col. 2, lines 15-24.

Displaying the variations of the user speech with a moving ribbon or thermometer at col. 4, lines 26-32.

Although VanBuskirk et al teaches a floating window to provide a system status visual user feedback component, they do not specifically teach that the floating window should be placed near an insertion area. Refer to Tannenbaum who teach a method and apparatus for presenting proximal feedback of voice commands in which confirmation information is displayed on the screen at a location functionally related to the analyzed contents and context of the voice input (Abstract). Tannenbaum teaches that displaying the confirmation information at these areas of the screen avoids distractions associated with fixed location confirmation areas (Abstract).

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the speech recognition confirmation display system of VanBuskirk et al to implement displaying the visual feedback component on the screen in area related to the voice input, as taught by Tannenbaum, for the purpose of avoiding distractions associated with fixed location confirmation areas, as also taught by Tannenbaum.

VanBuskirk teaches providing feedback regarding the last recognized word from the user, status messages from the speech application, and prompts for changing states of the microphone. VanBuskirk does not specifically teach the status of the speech application or the state of the microphone informs the user of the recognition progress of the system. However, providing a visual indication of the progress of a computer task was well known in the art. Neilsen teaches a system for

Art Unit: 2654

providing a progress indicator on a computer display such that the computer system monitors the execution of tasks, determines progress status information for the executing tasks, and can display a graphical representation of the progress status information of a desired task (Figures 4a, 4b; col. 4, lines 24-28).

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the system of VanBuskirk et al to implement displaying visual feedback information regarding processing of the executing tasks as taught by Neilsen, for the purpose of providing the user with information as to whether the audio input was received and processed.

Neither VanBuskirk, Tannenbaum nor Neilsen specifically teach displaying a volume meter close to a progress meter. However, VanBuskirk et al teaches that the multiple function graphical user interface should supply information in the smallest space possible (col. 3, lines 49-52).

Therefore, it would have been obvious to one of ordinary skill at the time of invention to display the volume meter close to the audio processing progress meter for the purpose of using the smallest space possible when implementing the graphical user interface, as suggested by VanBuskirk et al.

5. Claims 4-12, 15-16, 20, 22-28, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanBuskirk et al, Tannenbaum and Neilsen in view of French-St. George et al (US Patent No. 6,018,711).

6. Regarding claims 4-12, 22-28, and 30-33, although VanBuskirk et al teach a shape that changes size and color based on the variations of the speech signal volume, VanBuskirk does not specifically teach a mathematical function or relationship that governs the rate of change of the graphic display. French-St. George et al teaches animated graphical output in which the rate at which the animation

Art Unit: 2654

diminishes in size is a linear function (abstract; col. 6, lines 60-67; col. 7, lines 1-21; col. 8, lines 9-53), for the purpose of improving of user feedback and control of the speech interface (col.5, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the speech recognition graphical user interface of VanBuskirk to implement animated graphical output in which the rate at which the animation diminishes in size is a linear function, as taught by French-St. George et al, for the purpose of improving of user feedback and control of the speech interface, as also taught by French-St. George.

Regarding claims 15-16, VanBuskirk teaches providing feedback regarding the last recognized word from the user, status messages from the speech application, and prompts for changing states of the microphone. VanBuskirk does not specifically teach the status of the speech application or the state of the microphone informs the user of the recognition progress of the system. However, providing a visual indication of the progress of a computer task was well known in the art. Neilsen teaches a system for providing a progress indicator on a computer display such that the computer system monitors the execution of tasks, determines progress status information for the executing tasks, and can display a graphical representation of the progress status information of a desired task (Figures 4a, 4b; col. 4, lines 24-28).

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the system of VanBuskirk et al to implement displaying visual feedback information regarding processing of the executing tasks as taught by Neilsen, for the purpose of providing the user with information as to whether the audio input was received and processed.

Art Unit: 2654

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A. Armstrong  
Examiner  
Art Unit 2654

AAA  
October 15, 2004

*Vijay Chawan* for Richemond Dorvil  
VIJAY CHAWAN  
PRIMARY EXAMINER